



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

Recipient of the 2001 *Environmental Leadership Award* from *Keep California Beautiful*

Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Mr. Rob Kubomoto
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91801

WATER QUALITY CERTIFICATION FOR PROPOSED MORRIS DAM WATER SUPPLY ENHANCEMENT PROJECT (Corps' Project No. 2007-00349-PHT), MORRIS RESERVOIR, AZUSA, LOS ANGELES COUNTY (File No. 07-041)

Dear Mr. Kubomoto:

Board staff has reviewed your request on behalf of the Los Angeles County Flood Control District (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on May 1, 2007.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

_____[Original Signed by]_____
Deborah J. Smith
Interim Executive Officer

_____August 24, 2007_____
Date

California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Michele Chimienti
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91801

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Naaem Siddiqui
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Phuong Trinh
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Eric Raffini
U.S. Environmental Protection Agency
600 Wilshire Boulevard, Suite 1460
Los Angeles, CA 90017

Dave Smith
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Ken Berg
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92009

ATTACHMENT A

Project Information
File No. 07-041

1. Applicant: Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91801

Phone: (626) 458-6100 Fax: (626) 979-5436

2. Applicant's Agent: Michele Chimienti
Los Angeles County Flood Control District
900 S. Fremont Avenue
Alhambra, CA 91801

Phone: (626) 458-6111 Fax: (626) 979-5436

3. Project Name: Morris Dam Water Supply Enhancement

4. Project Location: Morris Dam, Azusa, Los Angeles County

<u>Longitude</u>	<u>Latitude:</u>
117.879084	34.182062
117.876601	34.180228
117.871014	34.180757
117.86820	34.184482
117.867258	34.188467
117.863201	34.188689
117.858943	34.1928
117.861590	34.196304

5. Type of Project: Dam maintenance and improvements

6. Project Purpose: The goals of this project are:

1. To improve the safety and reliability of the inlet/outlet works within the dam.
2. To create a higher intake elevation of the inlet works, allowing for greater water conservation downstream.
3. To increase the dam's electrical system capacity and bring it into compliance with the National Electrical Code (NEC)

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4. To construct a permanent new control house to contain the programmable logic operation system.

7. Project Description:

Morris Dam is located in the southern San Gabriel Mountains within the Angeles National Forest. The project site is approximately 4 miles north of the City of Azusa, adjacent to State Route 39 (CA 39). The open space of the Angeles National Forest surrounds the dam on all sides, with the nearest residences located approximately 1.3 miles to the southwest and San Gabriel Dam located 2.2 miles upstream.

The Morris Dam site comprises over 400 acres in the San Gabriel Mountains, north of the City of Azusa. The water conservation facility consists of the 328-foot high dam and spillway, venture house and needle valves, pump house, control house, caterpillar gate house, water supply outlet tower, transformer vault and generator room, and a single-story caretaker's house located at the northwestern end of the dam.

The project components, described below, include: (1) rehabilitation/automation of the inlet/outlet works; (2) modification of the inlet works; (3) rehabilitation of the electrical system; and (4) construction of the new control house. All work will be undertaken in a manner that is consistent with the Los Angeles County Department of Public Works' Reservoir Operation Plan and will maintain the required downstream flow releases.

The dam currently has six outlets to the San Gabriel River numbered 1 through 6, from east to west. The proposed project will retire Outlets 1, 2, and 5 by installing a steel bulkhead hinged at the springline to seal off the outlet. The hydraulically operated slide gate currently located on the downstream side of Outlet 2 will be removed. All outlets will have cathodic protection anodes installed inside the conduits, which will be filled with water and sealed off on the downstream end. Upstream guard valve/gages will remain in the closed position.

Outlets 3, 4, and 6 will be rehabilitated to include locally and remotely controlled up and downstream valves. Outlet 3 will be rehabilitated with a low-flow gate and the flow will be redirected 15 degrees to the west to help alleviate erosion problems at

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modification of the inlet works.

Rehabilitation of the Electrical System

The existing electrical system will be rehabilitated to support the loads resulting from the outlet works rehabilitation. The proposed project will upgrade the incoming power supply from 150 kilovolt-amps to 500 kilovolt-amps and replace the standby diesel engine generator with a 300 kilowatt diesel-driven engine generator.

All existing cables and exposed conduits, some existing embedded conduits, and the existing telephone and lighting systems will also be replaced. In addition, the project will include new instrumentation and controls for the operation of the dam as well as a 480 volt power distribution system.

Construction of the New Control House

The existing control house trailer will be removed and replaced with a permanent structure. The new control house will be located on the right abutment of the dam. The proposed "L"-shaped building will include a control room overlooking the downstream face of the dam, a break room, a restroom, a shower, a relief room, and a storage room for tools and maintenance items. The exterior of the building will be stucco colored to match the pylons at the abutment of the dam and will resemble the architectural features of the pylons. During construction, a temporary control house will be placed on the dam in the existing parking area.

Construction Activities

Construction of the proposed project is anticipated to begin in early 2008 and is expected to continue for approximately 18 to 24 months. Construction will occur in two phases: I.) rehabilitation of the electrical system and construction of the new control house. II.) rehabilitation/automation of the outlet works and modification of the inlet works.

Construction activities associated with Phase I will include the abandonment of the exiting conduit through the concrete walkway in place and the demolition of the existing control house. Access to the site during Phase I will be via the existing gated driveway to the dam and parking area. Construction staging will occur within the existing parking area. All activities associated with Phase I, including the replacement of all electrical raceway equipment, monitoring equipment, and control house, will occur within the dam

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or on the dam's crest. This phase is anticipated to last approximately 6 months.

Construction activities associated with Phase II of the proposed project will require the reservoir pool behind the dam to be drained. In coordination with the California Department of Fish and Game (CDFG), a fish rescue will be initiated and all game fish will be relocated to downstream urban lakes. The reservoir will continue to hold a small settling pool below the level of the intake works, and recession inflows will be desilted within the reservoir footprint and allowed to pass thru the penstocks to the river downstream. Access to the upstream side of the dam for modification of the inlet works will be via an existing unpaved access road originating from CA-39 approximately 0.6 miles north of the dam. The road was previously used in 1998 and will be regraded and marginally widened to accommodate construction vehicles and equipment. Vegetation will be cleared from the roadway where necessary. Following construction of the project, the access road will be fully restored with native vegetation. During construction, all equipment will be confined to an area immediately in front of the dam's intake structure and within the drained footprint of the reservoir just upstream of the dam for the BMPs. No other portion of the reservoir footprint will have construction activity.

The outlet works will be removed from the dam and replaced using an existing jib crane located on the downstream side of the dam. Access to the downstream side of the dam for modification to the outlet works will be via an access road originating from CA 39 approximately 0.5 miles south of the dam. This phase is anticipated to last between 12 to 18 months.

- | | |
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| 8. Federal Agency/Permit: | U.S. Army Corps of Engineers
Individual Permit
No. 2007-00349-PHT |
| 9. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |

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10. California Environmental Quality Act Compliance: The Los Angeles Department of Public Works prepared a Mitigated Negative Declaration for the proposed project
11. Receiving Water: Morris Reservoir (Hydrologic Unit No. 405.43)
12. Designated Beneficial Uses: MUN*, IND, PROC, AGR, GWR, POW, REC-1, REC-2, WARM, COLD, WILD, SPWN

*Conditional beneficial use
13. Impacted Waters of the United States: Lake/Reservoir: 0.025 temporary acres
14. Dredge Volume: None
15. Related Projects Implemented/to be Implemented by the Applicant: Sediment removal activities occurred within San Gabriel Reservoir after the Curve and Williams Fire Activities were completed in 2006.
16. Avoidance/Minimization Activities: The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Fish relocation activities will occur and be coordinated with CDFG to prevent impacts to aquatic species within the reservoir during draining.
 - Sediment management BMPs will be located within the reservoir to mitigate turbidity impacts outside of the project area to less than significant.
 - Dewatering of the reservoir will be ramped to prevent turbidity impacts downstream of the dam.

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- In addition, a water quality monitoring program will occur during dewatering to ensure no water quality impacts downstream of the project site.

17. Proposed
Compensatory
Mitigation:

The Los Angeles County Department of Public Works (LADPW) has proposed to provide 0.19 acres of on-site revegetation with native species in the vicinity of the project. This corresponds to a 7.6:1 ratio for impacts within 0.025 acres of the Riversidian Alluvial Fan Sage Scrub.

18. Required
Compensatory
Mitigation:

The RWQCB will require 0.19 acres of on-site revegetation with native species to compensate for all temporary impacts, as proposed by LADPW.

See *Attachment B, Conditions of Certifications, Additional Conditions* for modifications and additions to the above proposed compensatory mitigation.

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STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant shall adhere to the most stringent conditions indicated with either this certification, the CDFG's Streambed Alteration Agreement, or the ACOE Section 404 Permit.
3. The Applicant shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*.
4. The Avoidance/Minimization activities proposed by the Applicant as described in Attachment A, No. **16**, are incorporated as additional conditions herein.

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5. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth.
6. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
7. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
8. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.
9. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact Rodney Nelson, Land Disposal Unit, at (213) 620-6119 for further information.
10. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
11. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

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12. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
13. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. All pesticides directed toward aquatic species must be approved by the Regional Board. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.
14. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
15. If rain is predicted after operations have begun, grading activities must cease immediately and the site must be stabilized to prevent impacts to water quality, and minimize erosion and runoff from the site.
16. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within 24 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
17. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any vegetation clearing. The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
18. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

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19. All project/maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
20. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** (plan) to this Regional Board. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:
 - pH
 - temperature
 - dissolved oxygen
 - turbidity
 - total suspended solids(TSS)
 - Downstream TSS shall be maintained at ambient levels
 - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

Results of the analyses shall be submitted to this Regional Board by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

21. The Applicant shall restore **all areas** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. Restored areas shall be monitored and maintained with native species as necessary for five years. The Applicant

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shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

22. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.025 acres** waters of the United States by creating or restoring riparian habitat at a minimum **7.6:1** area replacement ratio (**0.19 acres**). The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
23. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
24. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** (Annual Reports) by **January 1st** of each year for a minimum period of **five (5) years** following this issuance of 401 Certification or until mitigation success has been achieved. The Annual Reports shall describe in detail all of the project/construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. At a minimum the Annual Reports shall include the following documentation:
 - a. Color photo documentation of the pre- and post-project and mitigation site conditions;
 - b. Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - c. The overall status of project including a detailed schedule of work;
 - d. Copies of all permits revised as required in Additional Condition 1;
 - (a) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (b) A certified Statement of “no net loss” of wetlands associated with this project;
 - (c) Discussion of any monitoring activities and exotic plant control efforts; and

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- (d) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.

- 25. Prior to any subsequent maintenance activities within the project areas, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition/capacity; (c) the area of proposed temporary impact within waters of the State; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notifications must be submitted a minimum of **three (3) weeks** prior to commencing work activities.

- 26. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.

 - (b) For a partnership, by a general partner.

 - (c) For a sole proprietorship, by the proprietor.

 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

- 27. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)”

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28. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **07-041**. Submittals shall be sent to the attention of the 401 Certification Unit.
29. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
30. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
31. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
32. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
33. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing

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remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
34. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.